

# Town Board Minutes

April 21, 2008

Meeting No. 13

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 21<sup>st</sup> day of April 2008 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a particular personnel matter in the Highway Department.

At 9:13 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- waiver of 30 day notification requirement for liquor licenses for Fox Valley Country Club and Lancaster Country Club
- bond resolutions for box culverts
- personnel matter in the Highway Department

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- resolution memorializing New York State for reform to Real Property Law Section 339-Y
- zoning amendment petition of 6026 Broadway
- emergency response

**Klimek, Andy**, 48 Sussex Lane, spoke to the Town Board on the following matters:

- potential hazards of wood chips
- street lights on his street
- building demolitions

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matters:

- box culverts on Siebert Road
- Village of Lancaster building permits

**Kirchoff, Dave**, 37 Shadyside Lane, spoke to the Town Board on the following matter:

- requests limited parking to alleviate student parking on his street

**Bow, Robert**, 4751 William Street, spoke to the Town Board on the following matter:

- zoning amendment petition of property contiguous to his residence

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed contract between the Fire Protection District of the Town of Lancaster and Water District No. 1 of the Town of Elma.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Donald Symer	610 Columbia Avenue	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:32 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

April 21, 2008

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED,** that the minutes of the Joint Meeting of the Town Board and the Planning Board held April 7, 2008 and the Regular Meeting of the Town Board held April 7, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the associated State Contract, Under the Appropriate Laws of New York State.**

**WHEREAS**, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects, and

**WHEREAS**, the Town of Lancaster, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws, and

**WHEREAS**, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid.

**NOW, THEREFORE, BE IT  
RESOLVED BY** the Lancaster Town Board

- 1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
- 2. That the Town Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
- 3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
- 4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint Municipal Waste Reduction and/or Recycling Project.
- 5. That this resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, grant monies are available from the New York State  
Department of Environmental Conservation through the Municipal Waste Reduction and  
Recycling Program, and,

**WHEREAS**, the Town desires to submit an application requesting monies  
to purchase equipment for use in collecting and producing wood chips, and

**WHEREAS**, the Town has chosen to act as a self-market for wood chips,  
and

**WHEREAS**, the grant guidelines require applicants acting as a self-market  
to adopt a resolution stating such intentions.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Lancaster Town Board hereby authorizes the  
continued self-market procedures for wood chips, and

**BE IT FURTHER**

**RESOLVED**, that the Town will continue to make said wood chips  
available free of charge to residents and for use by the Town on publicly owned land, including  
rights-of-way, in conjunction with normal operations.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

**WHEREAS, Fox Valley Beverage Corporation, d/b/a Fox Valley Club,** 6161 Genesee Street, Lancaster, New York, by letter dated April 4, 2008, has indicated their intent to apply for a liquor license with the New York State Liquor Authority, and

**WHEREAS, Fox Valley Beverage Corporation, d/b/a Fox Valley Club,** 6161 Genesee Street, Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

**WHEREAS,** this waiver can only be granted by the Town Board in which the premises is located.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on April 7, 2008 , and

**BE IT FURTHER**

**RESOLVED,** that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED*
SUPERVISOR GIZA	VOTED YES

Council Member Stempniak is a member of Fox Valley Country Club

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** the Town Line Volunteer Fire Department, Inc., by letter dated  
April 8, 2008 has requested the addition of members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby confirms  
the additions to the membership of the Town Line Volunteer Fire Department the following  
individuals:

**ADDITIONS:**

Kristen Feldman	Joshua Smith	Kyle Tower
574 Town Line Road	34 Bert Drive	133 Danbury Drive
Lancaster, New York	Cheektowaga, New York	Cheektowaga, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

File: RFIRE (P3)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be considered, and

**WHEREAS, Lancaster Country Club,** 6061 Broadway, Lancaster, New York, by letter dated April 11, 2008, has indicated their intent to apply for a liquor license with the New York State Liquor Authority, and

**WHEREAS, Lancaster Country Club,** 6061 Broadway, Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

**WHEREAS,** this waiver can only be granted by the Town Board in which the premises is located.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Clerk is authorized to notify the State Liquor Authority that required notification was received by the Town Clerk on April 14, 2008 , and

**BE IT FURTHER**

**RESOLVED,** that the Town Board hereby waives the thirty (30) day notification requirement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	ABSTAINED*
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

\* Council Member Amatura is a member of Lancaster Country Club

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town of Lancaster has assumed new responsibilities with respect to review and inspection for Stormwater Pollution Prevention Plans under a New York State Department of Environment and Conservation, and

**WHEREAS**, the Western New York Stormwater Coalition has developed a recommended fee schedule for coalition members to utilize to cover the anticipated cost for these mandated services, and

**WHEREAS**, Chapter 30, “PERMIT AND APPLICATION FEES” of the code of the Town of Lancaster provides for the schedule of fees which accompany Building Permits, and

**WHEREAS**, the Town Board has reviewed the recommended fee schedule and has determined it to be in the public interest to make an addition to the fee schedule therein, as follows:

**“§30-42. Stormwater Pollution Prevention Plan Review and Inspection fee.**

A Stormwater Pollution Prevention Plan Review and Inspection fee shall be paid by the site plan applicant for the review of the Stormwater Pollution Prevention Plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

<u>For Single-Phase Residential &amp; Commercial Development Projects</u> <u>(“Scheme A”)</u>	
0- 5 Acres:	\$500.00
5 - 10 Acres:	\$500.00 + \$350.00 = \$850.00
10 + Acres:	\$850.00 +\$300.00 for each additional 5 acres
<u>For Multi-Phase Residential &amp; Commercial Development Projects</u> <u>(“Scheme B”)</u>	
1.	When the entire project is first being reviewed and approved by the Municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
2.	Add \$500.00 for each subsequent phase after the 1 <sup>st</sup> initial phase, to be collected at the beginning of each subsequent phase.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on the proposed amendment to the “PERMIT AND APPLICATION FEES ORDINANCE”, Chapter 30 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, on the 5<sup>th</sup> of May, 2008, at 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such hearing be published on or before the 24<sup>th</sup> day of April, 2008, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 21st day of April, 2008, the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of May, 2008 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, to hear all interested persons upon the proposed amendment to the Permit and Application Fees Ordinance, designated as Chapter 30 of the Code of the Town of Lancaster, as follows:

(1) §30-42.     **Stormwater Pollution Prevention Plan (SWPPP) Review and  
Inspection fee.,**

will read as follows:

“§30-42.           Stormwater Pollution Prevention Plan Review fee.  
A Stormwater Pollution Prevention Plan Review and Inspection fee shall be paid by the site plan applicant for the review of the Stormwater Pollution Prevention Plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

For Single-Phase Residential & Commercial Development Projects  
(“Scheme A”)

0- 5 Acres:	\$500.00
5 - 10 Acres:	\$500.00 + \$350.00 = \$850.00
10 + Acres:	\$850.00 +\$300.00 for each additional 5 acres

For Multi-Phase Residential & Commercial Development Projects  
(“Scheme B”)

1.       When the entire project is first being reviewed and approved by the Municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.
2.       Add \$500.00 for each subsequent phase after the 1<sup>st</sup> initial phase, to be collected at the beginning of each subsequent phase.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:   JOHANNA M. COLEMAN  
TOWN CLERK**

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, Fairway Hills, LLC, 2730 Transit Road, West Seneca, New York, 14224 has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase IV, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No.639 of Fairway Hills, LLC, 2730 Transit Road, West Seneca, New York, 14224, for the installation of:

P.I.P. No. 639 (Street Lights)	10 - 50 watt, HPS street lights within Summerfield Farms Subdivision, Phase IV
-----------------------------------	---

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, grant monies are available from the New York State Department of Environmental Conservation through the Municipal Waste Reduction and Recycling Program, and

**WHEREAS**, the grant guidelines require that the Town establish a long term market relationship for disposal of leaves for the purpose of composting, and

**WHEREAS**, whereas the Town has a market history of disposing of leaves at Adam’s Nurseries for the purpose of composting, and

**WHEREAS**, Adams Nurseries has indicated their willingness to enter into a long term agreement with the Town to accept up to 2,000 cubic yards per year of leaves for the purpose of composting.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Lancaster Town Board hereby authorizes the Supervisor to enter into a contract with Adams Nurseries for the disposal of leaves for the purpose of composting.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated April 10, 2008, has requested the appointment of a seasonal employee in the Highway Department for the summer season of 2008.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individual be and is hereby appointed to the position of laborer, part-time, seasonal for the summer season of 2008 in the Highway Department of the Town of Lancaster. This appointment shall be effective April 28, 2008 through September 1, 2008, with no benefits, at the following rate:

<u>NAME</u>	<u>RATE</u>
Andrew Wienckowski 162 S. Irwinwood Road Lancaster, NY 14086	\$9.00 per hour

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

**PREFILED RESOLUTION NO. 11 - MEETING OF 4/21/08**

Giza/ \_\_\_\_\_

Upgrade John Powell To Position Of Light Equipment Operator

At the request of Supervisor Giza, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, an opening exists in the Recreation Department for a part-time Senior Citizens Center Recreation Attendant for the Nutrition Department, due to the sudden death of Monica Perna, and

**WHEREAS**, General Crew Chief Terrence McCracken, by letter dated April 9, 2008, has recommended the appointment of Janice Streit, 20 Brunck Road, Lancaster, New York 14086 to fill the position of Recreation Attendant, part-time at the Senior Citizens Center.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Janice Streit, 20 Brunck Road, Lancaster, New York 14086 be and is hereby appointed to the position of Recreation Attendant, part-time in the Senior Citizens Center, at the hourly rate of \$9.00, working not more than nineteen and one-half (19 ½) hours per week, with no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time employees. This appointment is effective retroactive to April 14, 2008.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**A BOND RESOLUTION, DATED APRIL 21, 2008, OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION ADOPTED AUGUST 20, 2007, AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN ROADS, INCLUDING BUT NOT LIMITED TO, STEINFELDT ROAD AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH IN THE TOWN, IN A MAXIMUM AMOUNT NOT TO EXCEED \$300,000, APPROPRIATING SAID AMOUNT THEREFORE, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$300,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED FOR SAID OBJECT OR PURPOSE OR REDEMPTION OF THE TOWN'S OBLIGATION ISSUED THEREFOR PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, on August 20, 2007 the Town Board of the Town of Lancaster, Erie County, New York adopted a bond resolution authorizing the reconstruction of and construction of improvements to various Town Roads, including but not limited to, Steinfeldt Road and other improvements in connection therewith including the replacement of a culvert (the "Project"), in an amount not to exceed \$135,000; and

**WHEREAS**, the Town Board, has determined to amend the August 20, 2007 bond resolution to increase the maximum estimated cost from \$135,000 to \$300,000 because of an increase in the cost of materials, labor and equipment; and

**WHEREAS**, the Town Board desires to undertake the Project with the increased cost.

**NOW THEREFORE,**

**BE IT RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purposes (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to various Town roads, including but not limited to, Steinfeldt Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The maximum cost of said Purpose will not exceed \$300,000, to be offset by any federal, state, county and/or local funds to be received.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$300,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any additional federal, state, county and/or local funds received, including but not limited to approximately \$125,000 expected to be received from the New York State Department of Transportation Capital Project(s) through the Multi-Modal (MM) Program.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years, however, the obligations will be paid off in five years or less.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) (a) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (b) if the provisions of the law which should be complied with at the date of publication of the resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or
- (2) said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13: The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 14. Nothing in this amendment shall affect the validity of the original August 20, 2007 bond resolution or any action taken thereunder and any said actions are hereby ratified.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

The foregoing resolution was thereupon declared duly adopted.

NOTICE OF BOND RESOLUTION  
TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, in the County of Erie, on April 21, 2008 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money, or
- (b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or
- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of an amending bond resolution adopted by the Town Board of the Town of Lancaster on April 21, 2008. Said bond resolution amends a bond resolution adopted on August 20, 2007, because of an increase in the cost of materials, labor and equipment. Said bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$300,000, said amount to be offset by any federal, state, county and/or local funds received, including but not limited to approximately \$125,000 expected to be received from the New York State Department of Transportation Capital Project(s) through the Multi-Modal (MM) Program. The proceeds from the sale of the obligations authorized in said resolution shall be used to finance the reconstruction of and construction of improvements to various Town roads, including but not limited to Steinfeldt Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The period of probable usefulness for said purpose is 15 years, however, the obligations will be paid off in five years or less. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**A BOND RESOLUTION, DATED APRIL 21, 2008, OF THE TOWN OF LANCASTER, ERIE COUNTY, NEW YORK (THE "TOWN"), AMENDING THE BOND RESOLUTION ADOPTED AUGUST 20, 2007, AUTHORIZING THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO VARIOUS TOWN ROADS, INCLUDING BUT NOT LIMITED TO, SIEBERT ROAD AND OTHER IMPROVEMENTS IN CONNECTION THEREWITH IN THE TOWN, IN A MAXIMUM AMOUNT NOT TO EXCEED \$500,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000, OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED FOR SAID OBJECT OR PURPOSE OR REDEMPTION OF THE TOWN'S OBLIGATION ISSUED THEREFOR PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.**

**WHEREAS**, on August 20, 2007 the Town Board of the Town of Lancaster, Erie County, New York adopted a bond resolution authorizing the reconstruction of and construction of improvements to various Town Roads, including but not limited to, Siebert Road and other improvements in connection therewith including the replacement of a culvert (the "Project"), in an amount not to exceed \$400,000; and

**WHEREAS**, the Town Board, has determined to amend the August 20, 2007 bond resolution to increase the maximum estimated cost from \$400,000 to \$500,000 because of an increase in the cost of materials, labor and equipment; and

**WHEREAS**, the Town Board desires to undertake the Project with the increased cost.

**NOW THEREFORE,**

**BE IT RESOLVED**, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purposes (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of and construction of improvements to various Town roads, including but not limited to, Siebert Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The maximum cost of said Purpose will not exceed \$500,000, to be offset by any federal, state, county and/or local funds to be received.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$500,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any additional federal, state, county and/or local funds received.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years, however, the obligations will be paid off in five years or less.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) if the provisions of the law which should be complied with at the date of publication of the resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13: The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 14. Nothing in this amendment shall affect the validity of the original August 20, 2007 bond resolution or any action taken thereunder and any said actions are hereby ratified.

SECTION 15. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

The foregoing resolution was thereupon declared duly adopted.

NOTICE OF BOND RESOLUTION  
TOWN OF LANCASTER

NOTICE IS HEREBY GIVEN that a bond resolution, a summary of which is published herewith, has been adopted by the Town Board of the Town of Lancaster, in the County of Erie, on April 21, 2008 and the validity of the obligations authorized by such resolution may be hereafter contested only if:

- (1) (a) such obligations were authorized for an object or purpose for which the Town of Lancaster is not authorized to expend money, or
- (b) if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice; or
- (2) such obligations were authorized in violation of the provisions of the Constitution of New York.

SUMMARY OF BOND RESOLUTION

The following is a summary of an amending bond resolution adopted by the Town Board of the Town of Lancaster on April 21, 2008. Said bond resolution amends a bond resolution adopted on August 20, 2007, because of an increase in the cost of materials, labor and equipment. Said bond resolution authorizes the issuance and sale of a serial bond or bonds and a bond anticipation note or notes in anticipation of the issuance and sale of said serial bonds, in an amount not to exceed \$500,000, said amount to be offset by any federal, state, county and/or local funds received. The proceeds from the sale of the obligations authorized in said resolution shall be used to finance the reconstruction of and construction of improvements to various Town roads, including but not limited to Siebert Road and other improvements in connection therewith including the replacement of a culvert, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and preliminary costs and costs incidental thereto. The period of probable usefulness for said purpose is 15 years, however, the obligations will be paid off in five years or less. A copy of the resolution summarized herein is available for public inspection during normal business hours at the Office of the Town Clerk, located in the Town Hall, 21 Central Avenue, Lancaster, New York.



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish eight (8) new 2008 Police Vehicles for use by the Police Department, and

**WHEREAS**, the Public Safety Committee of the Town Board has approved such request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on May 5, 2008 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of eight (8) new 2008 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
AND/OR  
AUTOMOBILE DEALERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 5th day of May 2008, for furnishing eight (8) new 2008 Police Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster is committed to fair and equitable assessment practices, and

**WHEREAS**, fair and equitable assessments lead to a fair distribution of the local property tax burden, and

**WHEREAS**, increasing unfunded state mandates continue to shift the burden of supporting state programs with local property tax dollars, and

**WHEREAS**, the New York State Real Property Law Section 581 & Real Property Law Section 339-Y requires condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupts the desire and credibility of local officials to deliver a fair property assessment and tax system, and

**WHEREAS**, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equity in assessments in an ever-increasing number of communities, and

**WHEREAS**, New York State Real Property Law Section 581 & Real Property Law Section 339-Y creates a disadvantage to current property owners whose property does not have this exemption in their ability to sell and market their property, and

**WHEREAS**, the Town Board deems it in the public interest to memorialize the New York State Assembly, New York State Senate and Governor David Patterson of its support for legislation which would address this inequity.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby lends its unconditional support of draft legislation of New York State Senator William Stachowski that would change Section One, subdivision 1 of Section 339-Y of the Real Property Law that would allow municipalities a local opt-out for newly constructed condominiums, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board encourages New York State Senator Dale Volker & New York State Assemblyman Dennis Gabryszak to sign on as co-sponsors of this draft legislation, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster strongly recommends the passage of each bill, respectively, by the Assembly and Senate, and

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster strongly recommends that Governor David Patterson sign this all important legislation into law once it has passed the Assembly and Senate, and

**BE IT FURTHER**

**RESOLVED**, that the Lancaster Town Clerk forward copies of this resolution to the other Town Clerks in Erie County as well as to New York State Senator William Stachowski, New York State Senator Dale Volker, New York State Assemblyman Dennis Gabryszak and New York State Governor David Patterson.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

**PREFILED RESOLUTION NO. 17 - MEETING OF APRIL 21, 2008**

Amatura/ \_\_\_\_\_ Amend Zoning Map Petition Re: Petition of 81 & 3 Of Florida  
4745 William Street

Council Member Amatura withdrew this resolution at the request of the petitioner.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS, Affordable Senior Housing Opportunities of New York, Inc. ,**  
350 Harris Hill Road, Williamsville, New York 14221, the contract vendee for the rezone of a  
parcel of land located on 6026 Broadway, Lancaster, New York has petitioned the Town Board  
of the said Town for the rezone of said property from a Agricultural Residential District (AR) to  
Multifamily Residential District Four (MFR-4), and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of  
Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Sections 130 and 265 of the Town Law of the State  
of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central  
Avenue, Lancaster, New York, on the 5th day of May, 2008, at 8:35 o'clock P.M., Local Time,  
and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a  
newspaper of general circulation in said Town on April 24, 2008, and be posted on the Town  
Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of  
Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in  
form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

File: rrrezoneaffordableseniorhousingwilliamst408

**LEGAL NOTICE  
REZONE - PUBLIC HEARING  
6026 BROADWAY  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on April 21, 2008, the said Town Board will hold a Public Hearing on the 5<sup>th</sup> day of May, 2008 at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Residential District One (R-1) to Multifamily Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 7, Section 4, Township 11, Range 6 of the Holland Land Survey, bounded and described as follows:

**BEGINNING** at the point on the east line of Lot 7, being the centerline of Pavement Road (formerly called Bagley Road) distant 517.50 feet southerly from the northeast corner of Lot 7 as measured along said east line;

**THENCE** S-00°-27'-10"-W, along the east line of Lot 7 a distance of 1,215.00 feet;

**THENCE** N-88°-11'-09"-W, a distance of 683.64 feet to the east line of lands conveyed to Thomas N. Peckham recorded in the Erie County Clerk's Office in Liber 113 of Deeds at page 226, Distant 250.00 feet northerly from the north line of Broadway as measured along said east line of said Peckham lands;

**THENCE** N-00°-03'-11"-E, along said east line a distance of 1,214.36 feet to the south line of lands conveyed to Cynthia Needham recorded in the Erie County Clerk's Office in Liber 231 of Deeds at page 254;

**THENCE** S-88°-13'-14"-E, along said south line a distance of 670.91 feet to the point of beginning containing 18.88 acres be the same more or less;

Excepting and reserving that portion of lands lying within the bounds of Pavement Road.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

April 21, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** the Supervisor has requested the creation of an additional position of Clerk Typist in the Town of Lancaster, to be placed in the Supervisor’s Office, and

**WHEREAS,** upon appointment to the newly created position of Clerk Typist in the Supervisor’s Office, the position of Secretary to the Supervisor will be vacated.

\_\_\_\_\_

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and submit Form PO-17 (New Position Duties Statement) to create (1) position of Clerk Typist in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 1736 to Claim No. 2003 Inclusive

Total amount hereby authorized to be paid: \$324,187.08

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

**(SW)** = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

**(CSW)** = Conditional sidewalk waiver.

**(V/L)** = Village of Lancaster

**NEW PERMITS:**

15399	Heritage Fence	57 Woodgate Dr	Er. Fence	
15400	Watson	4733 Transit Rd	Er. Deck	
15401	Sturm Roofing	15 Lake Forest Pky W	Re-Roof House	
15402	Schurr, William	83 Pleasant Ave	Er. Fence	(V/L)
15403	Classic Fence	Rue Madeleine Way	Er. Fence	
15404	Marrano/Marc Equity	1 Carlisle St	Er. Dwlg.-Sin.	
15405	BML Construction	19 Lake Forest Pky W	Re-Roof House	
15406	Natale Builders Inc	32 Nicholas Ln	Er. Dwlg.-Sin.	
15407	The Building Co	Brunck Rd	Er. Dwlg.-Sin.	
15408	City Fence Inc	71 Pardee Ave	Er. Fence	(V/L)
15409	Zotara, Timothy	46 Cowing St	Er. Res. Alt.	(V/L)
15410	Custom Sign Center	6339 Transit Rd	Er. Sign-Wall	
15411	Bonk, Daniel	175 Court St	Dem. Garage	(V/L)
15412	Christ Construction	1173 Penora St	Inst. Window	
15413	Colley's Pool Sales Inc	14 Muirfield Ln	Er. Pool-In Grnd	
15414	Iroquois Fence Co	127 S Irwinwood Rd	Er. Fence	(V/L)
15415	KCM Custom Built	87 Country Pl	Er. Shed	
15416	Dubel, Mark	57 Laverack Ave	Er. Fence	(V/L)
15417	Heritage Fence	611 Lake Ave	Er. Fence	
15418	4781 Transit Road Inc	4781 Transit Rd	Er. Fence	
15419	Sturm Roofing	11 Arrow Trl	Re-Roof House	
15420	Essex Homes	20 Americo Ct	Er. Dwlg.-Sin.	
15421	Voll, Lisa	117 Irwinwood Rd	Re-Roof House	(V/L)
15422	C J Krantz Top Soil	4106 Walden Ave	Er. Sign-Temp	
15423	Goodrich, Paul	10 Southpoint Dr	Er. Shed	
15424	Iroquois Fence Co	53 Hemlock Ln	Er. Fence	
15425	Concord Amish Village	20 Fox Hunt Rd	Er. Shed	
15426	Dalex Construction	62 Lake Ave	Re-Roof House	(V/L)
15427	Patio Enclosures	1268 Penora St	Er. Res. Add.	
15428	Rich Pools	69 Michael's Walk	Er. Pool-Abv Grnd	
15429	Van Kuren, Eric	399 Seneca Pl	Er. Shed	
15430	Besroi Construction	58S Irwinwood Rd	Re-Roof House	(V/L)
15431	Stoiber, Daniel	117 Brunck Rd	Er. Deck	
15432	Rich Pools	1 Quail Run Ln	Er. Pool-Abv Grnd	
15433	Capital Fence Co Inc	61 Michael Anthony Ln	Er. Fence	
15434	Hollins, Susan	1 Ryan St	Er. Dwlg.-Sin.	
15435	A Best Roofing	12 Parkdale Dr	Re-Roof House	(V/L)
15436	Sebastiano & Sons	85 Country Pl	Er. Res. Add.	

15437	Leak Master	7 Hidden Trl	Re-Roof House
15438	Maple Guy Const.	257 Warner Rd	Re-Roof House
15439	Maple Guy Const.	292 Pleasant View Dr	Re-Roof House
15440	Sciolino, Mario	8 Spruceland Ter	Re-Roof House
15441	Expert Fence	11 Fox Hunt Rd	Er. Fence

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

April 21, 2008

## COMMUNICATIONS & REPORTS:

176. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held April 2, 2008. DISPOSITION = Received & Filed
177. Planning Board to Town Board -  
Recommend approval of rezone petition for Affordable Senior Housing Opportunities of New York, 6026 Broadway; conditions noted. DISPOSITION = Received & Filed
178. Planning Board to Town Board -  
Recommend approval of preliminary plat plan of "The Cove at Pleasant Meadows Subdivision"; conditions noted. DISPOSITION = Received & Filed
179. General Crew Chief to Planning Board -  
Notice from Town Forestry Department of reserved judgement regarding sketch plan of Deer Run Estates Subdivision, south of William Street, w/s of Lake Avenue. DISPOSITION = Planning Committee
180. NYS Executive Chamber to Town Clerk -  
Letter of appreciation for receipt of resolution passed by Town regarding text messaging while operating a motor vehicle. DISPOSITION = Received & Filed
181. Town Clerk to Town Board -  
Transmittal of second settlement regarding 2008 County/Town Tax Warrant. DISPOSITION = Received & Filed
182. Village of Lancaster to Supervisor -  
Notice of termination of the Village Municipal Fire Alarm system. DISPOSITION = Received & Filed
183. Addison Law Firm to Town Clerk -  
Notice of application to renew liquor license for Fox Valley Beverage Corporation. DISPOSITION = Resolution 4/21/2008
184. Town of West Seneca to Town Clerk -  
Transmittal of resolution supporting legislation prohibiting text messaging while operating a motor vehicle. DISPOSITION = Received & Filed
185. Addison Law Firm to Town Clerk -  
Request to waive 30 day notice to renew liquor license for Fox Valley Beverage Corporation. DISPOSITION = Resolution 4/21/2008
186. Town Clerk to Town Board -  
Monthly report for March 2008. DISPOSITION = Received & Filed
187. Erie County Community Planning Coordinator to Supervisor -  
Letter regarding renewal of the Erie County Community Development Block Grant Consortium. DISPOSITION = Received & Filed
188. Dennis H. Gabryszak, Member of the Assembly, 143<sup>rd</sup> District to Supervisor -  
Letter regarding New York State proposal to eliminate the elected positions of tax receiver and tax assessor. DISPOSITION = Received & Filed
189. Crown Castle to Town Board -  
Letter regarding third party land lease agreements for cell tower usage. DISPOSITION = For Resolution
190. Town of Alden to Town Clerk -  
Transmittal of resolution adopting Local Law No. 4 of 2008 entitled "Windmill Law of the Town of Alden". DISPOSITION = Received & Filed
191. Ferdinand J. Ciccarelli, Attorney to Supervisor -  
Request to waive 30 day notice to renew liquor license for Lancaster Country Club. DISPOSITION = Resolution 4/21/2008

192. Town Line Fire Department to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 4/21/2008
193. NYS DEC to Town Attorney -  
Notice of lead agency designation regarding proposed Affordable Senior Housing Opportunities of New York apartments, 6026 Broadway; comments noted.  
DISPOSITION = Received & Filed
194. Chief of Police to Supervisor, Town Board -  
Request resolution to advertise for bids for police vehicles. DISPOSITION = Resolution 4/21/2008
195. Village of Lancaster to Town Board -  
Minutes of meeting held March 24, 2008. DISPOSITION = Received & Filed
196. NYS DEC to Town Board -  
Notice of public hearings to be held regarding proposed update to the Regional Open Space Conservation Plan. DISPOSITION = Received & Filed
197. Wm. Schutt & Associates, P.C. to Town Board -  
Recommend awarding of bid for replacement of box culverts for Siebert Road and Steinfeldt Road to Nicholas, Long & Moore Construction Corp., the low bidder.  
DISPOSITION = For Resolution
198. Highway Superintendent to Town Board -  
Request appointment of Andrew Wienckowski as Laborer Temporary.  
DISPOSITION = Resolution 4/21/2008
199. General Crew Chief to Supervisor -  
Request appointment of Janice Streit as Recreation Attendant, part-time.  
DISPOSITION = Resolution 4/21/2008
200. Kevin P. Gaughan to Supervisor -  
Letter of appreciation for opportunity to speak with the Town Board.  
DISPOSITION = Received & Filed
201. Lauer-Manguso & Associates Architects to Supervisor -  
Offer of service to Town upon the possible turn over of control of Lancaster Rural Cemetery. DISPOSITION = Received & Filed
202. Richard J. Sherwood, Attorney to Supervisor -  
Letter questioning status of premises located at 647 Harris Hill Road.  
DISPOSITION = Town Attorney

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:13 P.M. in memory of Farid Aboujaoude, Henry Doktor and Albert Drescher Jr.**

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk